

**Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382**

**Conditional Major
AIR QUALITY PERMIT**

Permittee Name: Smelter Service Corporation
Mailing Address: P.O. Box 129, Island, Kentucky 42350

Source Name: Smelter Service Corporation
Mailing Address: Same as Above
Source Location: 161 Industrial Lane, Island, Kentucky 42350

Permit Number: F-01-031 (Revision 1)
Log Number: 54016 (Original), 54287 (Revision 1)
Review Type: Construction/Operating, Conditional Major,
Synthetic Minor

KYEIS ID #: 21-149-00036
AI#: 3111
SIC Code: 3341

Regional Office: Owensboro Regional Office
3032 Alvey Park Drive W., Suite 700
Owensboro, KY 42303-2191
(270) 687-7304

County: McLean

Application
Complete Date: August 14, 2001
Issuance Date: November 6, 2001
Revision Date: [March 29, 2005](#)
Expiration Date: November 6, 2006

**John S. Lyons, Director
Division for Air Quality**

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|------------------|------------------------------------|--------------|--------------------------|--------------------------|------------------------------|
| ---- | Initial Issuance | 54016 | 08/14/01 | 11/06/01 | Permit issuance |
| 1 | Administrative Revision | 54287 | 09/24/02 | 3/18/05 | Permit issuance |

SECTION A – PERMIT AUTHORIZATION

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the construction/operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:030, Federally-enforceable permits for non-major sources.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

Group Requirements: Group 1

| <u>Emission Point (Company Number):</u> | <u>Construction commenced:</u> |
|---|-----------------------------------|
| 001(EP01-A, B) Rotary Furnace #1 | March 10, 2000 |
| 002(EP02-A, B) Rotary Furnace #2 | August 14, 2001 |
| 003(EP03-A, B) Rotary Furnace #3 | |
| 004(EP04-A, B) Rotary Furnace #4 | |
| 001(EP01-A) - 004(EP04-A) Secondary Aluminum Processing Unit (SAPU) | March 10, 2000 August 14, 2001 |

Description:

Each emission point consists of a rotary furnace and an adjacent casting operation. The rotary furnaces use oxygen-enriched natural gas-fired as the main fuel and no. 2 fuel oil as backup. Furnace #1 is rated at 10.0 MMBtu/hour and Furnaces #2-#4 are each rated at 7.9 MMBtu/hour. Reactive fluxing is performed in each furnace with a flux salt that is made up of 2 salts, sodium chloride and potassium chloride. The emissions from each furnace and casting operation are collected by a 98% efficient ventilation hood. Emissions not captured by the hood shall be considered as fugitive emissions. As defined in 40 CFR 63 Subpart RRR §63.1503, each rotary furnace is a group 1 furnace and all 4 group 1 furnaces make up a secondary aluminum processing unit or SAPU.

Annual hours of operation: 8760 hours/year

Control equipment: Exhaust stream lime injection and baghouse (at each emission point)

Stack #: 1, 2, 3, and 4

Emission Activity:

For each emission point:

- Aluminum melting and fluxing
- Natural gas usage
- No. 2 fuel oil usage
- Aluminum casting
- Lime injection
- Furnace fugitive loss
- Caster fugitive loss

Pollutants:

PM, PM10, HCl, VOC, D/F (TEQ)
 PM, PM10, CO, SO₂, NO_x, VOC
 PM, PM10, CO, SO₂, NO_x, VOC
 PM, PM10
 PM, PM10
 PM, PM10, HCl, VOC, D/F (TEQ)
 PM, PM10

APPLICABLE REGULATIONS:

401 KAR 52:030 – Federally-enforceable permits for non-major sources. Applies to HCl emissions.

401 KAR 59:010 – New process operations. Applies to particulate and visible emissions from all emission activities except for fuel usage and fugitive loss.

401 KAR 63:010 – Fugitive emissions. Applies to fugitive particulate emissions.

401 KAR 63:020 – Potentially hazardous matter or toxic substances. Applies to HCl emissions.

40 CFR 63 Subpart RRR – National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production. Applies to D/F emissions from each group 1 furnace and SAPU.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

1. Operating Limitations:

- a. The permittee shall not charge flux salt in quantities that will cause HCl emissions to exceed 9.5 tons/12-month rolling average. The maximum flux rate shall be determined during compliance demonstration tests. Self-imposed to preclude 401 KAR 52:020 – Title V permits.
- b. Pursuant to 40 CFR 63 Subpart RRR §63.1506, the permittee shall comply with following operating requirements including but not limited to:
 - i. (b)(1), (b)(2) - Labeling.
 - ii. (c) - Capture/collection systems.
 - iii. (d) - Feed/charge weight.
 - iv. (m)(3), (m)(4), (m)(5) - Group 1 furnace with add-on air pollution control devices.
 - v. (p) - Corrective action.

2. Emission Limitations:

- a. The permittee shall not emit, from each emission point:
 - i. Particulate emission in excess of 2.84 pounds/hour and 12.46 tons/12-month rolling average. Self-imposed to preclude 401 KAR 51:017, Prevention of significant deterioration of air quality.
 - ii. Pursuant to 401 KAR 59:010, visible emission equal to or greater than twenty (20) percent opacity.
- b. Pursuant to 401 KAR 52:030, the permittee shall not emit source-wide HCl emissions in excess of 9.5 tons/12-month rolling average. Self-imposed to preclude 401 KAR 52:020 – Title V permits.
- c. Pursuant to 40 CFR 63 Subpart RRR §63.1505 (i)(3), the permittee shall not emit from each group 1 furnace, D/F emissions in excess of 15 µg of D/F TEQ/Mg (2.1×10^{-4} gr of D/F TEQ/ton) of feed/charge.
- d. Pursuant to 40 CFR 63 Subpart RRR §63.1505 (k)(3), the permittee shall not emit from each SAPU, D/F emissions (any 3-day, 24-hour rolling average) in excess of:

$$L_{cD/F} = \frac{\sum_{i=1}^n (L_{tiD/F} \times T_{ti})}{\sum_{i=1}^n (T_{ti})}$$

Where,

$L_{tiD/F}$ = The D/F emission limit for individual emission unit i in paragraph §63.1505 (i)(3) for a group 1 furnace;

T_{ti} = The feed/charge rate for individual emission unit i; and

$L_{cD/F}$ = The D/F emission limit for the SAPU.

Pursuant to 40 CFR 63 Subpart RRR §63.1505 (k)(5), the owner or operator of a SAPU at a secondary aluminum production facility that is an area source may demonstrate compliance with the emission limits of §63.1505 (k)(3) by demonstrating that each emission unit within the SAPU is in compliance with the emission limit of §63.1505 (i)(3).

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Compliance Demonstration Method:**

- a. For emissions from each emission point:
 - i. The permittee shall demonstrate compliance with the particulate emission limit through the following equation:
Hourly particulate emission (pounds/hour)
$$= \Sigma [\text{Hourly aluminum-flux-lime throughput to each emission activity (tons/hour)} \times \text{KEIS particulate emission factor for each emission activity (pounds/ton)} \times (1 - \text{Particulate control efficiency (99.9\%)} / 100)]$$

Annual particulate emission (tons/12-month rolling average)
$$= \text{Hourly particulate emission (pounds/hour)} \times (8760 \text{ hours/12-month}) / (2000 \text{ pounds/ton})$$

The hourly aluminum-flux-lime throughput shall be determined by averaging the total aluminum-flux-lime throughput for each month over the hours of operation for the month. Upon the Division's approval of permittee's performance test report, the permittee can request that the performance test emission factor be used.
 - ii. The permittee shall demonstrate compliance with the opacity limit through monitoring and maintenance of records as specified in 4. Specific Monitoring Requirements and 5. Specific Recordkeeping Requirements.
- b. The permittee shall demonstrate compliance with the source-wide HCl emission limit through the following equations:
Annual source-wide HCl emission (tons/12-month rolling average)
$$= [\text{Hourly aluminum throughput to all 4 furnaces (tons/hour)} \times \text{KEIS HCl emission factor for aluminum fluxing (pounds/ton)} \times (1 - \text{HCl control efficiency (85\%)} / 100) + \text{Hourly aluminum throughput to all 4 furnaces (tons/hour)} \times \text{KEIS HCl emission factor for furnace fugitive loss (pounds/ton)}] \times (8760 \text{ hours/12-month}) / (2000 \text{ pounds/ton})$$

The hourly aluminum throughput shall be determined by averaging the total aluminum throughput of all 4 furnaces for each month over the hours of operation for the month. Upon the Division's approval of permittee's performance test report, the permittee can request that the performance test emission factor be used.
- c. The permittee shall demonstrate compliance with the D/F emission limit using Equation 7 in 40 CFR 63 Subpart RRR §63.1513 (b) for group 1 furnace and Equation 11 in §63.1513 (e)(3) for a SAPU.

3. Testing Requirements:

The permittee shall conduct performance tests on emission point 01(EP01-A, B) and emission point 02(EP02-A, B) or 03(EP03-A, B), or 04(EP04-A, B) at maximum processing rates within 60 days after achieving the maximum production rate at but not later than 180 days after initial start-up of emission point 02(EP02-A, B), 03(EP03-A, B), or 04(EP04-A, B). Emissions to test for are particulate emission by Reference Method 5, visible emission by Reference Method 9, and HCl emission by Reference Method 26. In addition, D/F emission shall be tested according to 40 CFR 63 Subpart RRR §63.1511 and §63.1512. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027)

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

to the division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the Division shall be notified of the actual test date at least ten (10) days prior to the test. The permittee must also furnish a written report of the results of such performance tests to the division's Frankfort Central Office within 45 days of test completion.

4. Specific Monitoring Requirements:

- a. To provide reasonable assurance that particulate emission limitations are being met for each emission point, the permittee shall monitor the type and monthly amount of aluminum feed to rotary furnaces.
- b. To provide reasonable assurance that the visible emission limitations are being met for each emission point, a representative of the permittee who is certified in visible emissions evaluations, shall conduct the following:
 - i. Perform a qualitative visual observation of the opacity of emissions from each stack or vent on a monthly basis and maintain a log of the observation (see 5. Specific Recordkeeping Requirements).
 - ii. Determine the opacity of the emissions by Reference Method 9 if visible emissions from any stack or vent is perceived or believed to exceed the applicable standards.
- c. To provide reasonable assurance that source-wide HCl emission limitations are being met for each emission point, the permittee shall monitor the type and monthly amount of flux salt throughput.
- d. The permittee shall monitor the monthly hours of operation of each emission point.
- e. Pursuant to 40 CFR 63 Subpart RRR §63.1510, the permittee shall comply with following monitoring requirements including but not limited to:
 - i. (b)(1), (b)(2), (b)(3), (b)(4)(i), (b)(5), (b)(6), (b)(7) - Operation, maintenance, and monitoring (OM&M) plan.
 - ii. (c) - Labeling.
 - iii. (d) - Capture/collection system.
 - iv. (e) - Feed/charge weight.
 - v. (h) - Fabric filter inlet temperature.
 - vi. (i)(1), (i)(2) - Lime injection.
 - vii. (j)(3), (j)(4) - Total reactive flux injection rate.
 - viii. (s) - Site-specific requirements for secondary aluminum processing units.
 - ix. (t) - Secondary aluminum processing units.
 - x. (u) - Secondary aluminum processing unit compliance by individual emission unit demonstration.

5. Specific Recordkeeping Requirements:

The permittee shall maintain records of the following:

- a. The type and monthly amount of aluminum throughput.
- b. A log of quarterly opacity observations which shall note:
 - i. Whether any air emissions (except for water vapor) were visible from the vent/stack.
 - ii. All emission points from which visible emissions occurred.
 - iii. Whether the visible emissions were normal for the process.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- iv. The opacity of the emissions as determined by Reference Method 9 and any other corrective actions, if visible emissions from any stack or vent is perceived or believed to exceed the applicable standards.
 - c. The type and monthly amount of flux salt throughput.
 - d. The monthly hours of operation of each emission point.
 - e. Pursuant to 40 CFR 63 Subpart RRR §63.1517, the permittee shall comply with following recordkeeping requirements including but not limited to subsections (a), (b)(4), (b)(5), (b)(13), (b)(14), (b)(16), and (b)(17).
- 6. **Specific Reporting Requirements:**
 - a. Any exceedance over the emission limitations stated in this permit shall be reported to the Division as specified in Section F.
 - b. Pursuant to 40 CFR 63 Subpart RRR §63.1515 and §63.1516, the permittee shall comply with following notification and reporting requirements including but not limited:
 - i. §63.1515 (a)(4), (a)(5), (a)(6) - Initial notification.
 - ii. §63.1515 (b) - Notification of compliance status report.
 - iii. §63.1516 (a) - Startup, shutdown, and malfunction plan/reports.
 - iv. §63.1516 (b)(1)(iv-vii), (b)(3) - Excess emissions/summary report.
 - v. §63.1516 (c) - Annual compliance certifications.
- 7. **Specific Control Equipment Operating Conditions:**

None
- 8. **Alternate Operating Scenarios:**

None.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Group Requirements:** **Group 2****Emission Point (Company Number):****005(EP05) Dross Aluminum****Construction commenced:****August 14, 2001****Description:**

Dross is delivered from various sites to the source in covered trucks. The truck pulls into an enclosed dross storage building to dump the dross, which is then picked up by front-end loaders and placed in appropriate bins based on the source of the dross. The maximum dross processing rate for this emission point is 7.105 tons/hour. The dross is then transported to the rotary furnaces without going outside the storage building. The emissions from dross load-in, storage, and handling are fugitive. Since the dross is kept within the building and in covered bins, there will be very little fugitive ammonia emissions.

Annual hours of operation: 8760 hours/year

Control equipment: None

Emission Activity:

- Load-in, storage, and handling

Pollutants:

PM, PM10, Ammonia

Emission Point (Company Number):**006(EP06) Scrap Aluminum****Construction commenced:****August 14, 2001****Description:**

Scrap aluminum comes in various forms such as castings, scrap sheets, sidings, and cans. The scrap is stored outside in the scrap storage area. The maximum scrap processing rate for this emission point is 3.455 tons/hour. The emissions from scrap load-in, storage, and handling are fugitive.

Annual hours of operation: 8760 hours/year

Control equipment: None

Emission Activity:

- Load-in, storage, and handling

Pollutants:

PM, PM10

Emission Point (Company Number):**007(-) Saltcake/Slag****Construction commenced:****August 14, 2001****Description:**

The saltcake or slag from the rotary furnaces is allowed to begin cooling in pans inside the production building. After initial cooling, the saltcake pans are then transported to a covered storage area for processing and storage. After the saltcake is allowed to cool completely for a period of 12-24 hours, it broken into large chunks with a hydraulic hammer to facilitate loading into trucks. The maximum dross processing rate for this emission point is 1.8 tons/hour. The dross is then transported to the rotary furnaces without going outside the storage building. The emissions from cooling, storage, processing, and loadout are fugitive. Since the saltcake is kept in an enclosed area, there will be very little fugitive ammonia emissions.

Annual hours of operation: 8760 hours/year

Control equipment: None

Emission Activity:

- Cooling, storage, processing, and loadout

Pollutants:

PM, PM10, Ammonia

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**Emission Point (Company Number):****008(-) Unpaved Haul Road****Construction commenced:****August 14, 2001****Description:**

The haul road facilitates trucks to transport raw materials to and aluminum products from the source. Since the haul road is unpaved, vehicular traffic will create fugitive dust emissions. Each truck travels 0.28 miles and there is a maximum of 20 trucks/day.

Annual hours of operation: 8760 hours/year

Control equipment: None

Emission Activity:

- Vehicular traffic

Pollutants:

PM, PM10

APPLICABLE REGULATIONS:

401 KAR 53:010 – Ambient air quality standards.

401 KAR 63:010 – Fugitive emissions. Applies to fugitive particulate emissions.

401 KAR 63:020 – Potentially hazardous matter or toxic substances. Applies to fugitive ammonia emissions.

1. Operating Limitations:

- The permittee shall comply with applicable standards in 401 KAR 63:010 Section 3.
- Pursuant to 401 KAR 63:020 Section 3, persons responsible for a source from which hazardous matter or toxic substances may be emitted shall provide the utmost care and consideration, in the handling of these materials, to the potentially harmful effects of the emissions resulting from such activities.

2. Emission Limitations:

- Pursuant to 401 KAR 53:010 Appendix A, at any time when 1 volume unit of ambient air is mixed with 7 volume units of odorless air, the mixture must have no detectable odor.
- Pursuant to 401 KAR 63:020 Section 3, no owner or operator shall allow any affected facility to emit potentially hazardous matter or toxic substances in such quantities or duration as to be harmful to the health and welfare of humans, animals and plants.
- To preclude applicability of 401 KAR 51:017, Prevention of significant deterioration of air quality, the permittee shall not emit particulate matter in excess of the allowable specified for each emission point in the following table:

| Emission Point | Allowable |
|-----------------------|---|
| 005(EP05) | 1.02 pounds/hour, 4.48 tons/12-month rolling average |
| 006(EP06) | 0.50 pound/hour, 2.18 tons/12-month rolling average |
| 007(-) | 1.08 pounds/hour, 4.73 tons/12-month rolling average |
| 008(-) | 4.15 pounds/hour, 18.18 tons/12-month rolling average |

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

Compliance Demonstration Method:

- a. For fugitive particulate and ammonia emissions, the permittee shall demonstrate compliance through monitoring and maintenance of records as specified in 4. Specific Monitoring Requirements and 5. Specific Recordkeeping Requirements.

- b. Additionally, for particulate emissions:

Hourly particulate emission (pounds/hour)

= Hourly throughput of particulate emitting raw materials (tons/hour or VMT/hour) x
KEIS particulate emission factor for each emission activity (pounds/ton or
pounds/VMT)

Annual particulate emission (tons/12-month rolling average)

= Hourly particulate emission (pounds/hour) x (8760 hours/12-month) / (2000
pounds/tons)

The hourly throughput of raw materials shall be determined by averaging the total
throughput for each month over the hours of operation for the month.

3. Testing Requirements:

None.

4. Specific Monitoring Requirements:

The permittee shall monitor the following:

- a. The type and monthly amount of dross throughput to emission point 005(EP05).
- b. The type and monthly amount of scrap throughput to emission point 006(EP06).
- d. The monthly amount of saltcake/slag throughput to emission point 007(-).
- e. The monthly total vehicles miles traveled for emission point 008(-).
- d. The monthly hours of operation.

5. Specific Recordkeeping Requirements:

The permittee shall maintain records of the following:

- a. The type and monthly amount of dross throughput to emission point 005(EP05).
- b. The type and monthly amount of scrap throughput to emission point 006(EP06).
- c. The monthly amount of saltcake/slag throughput to emission point 007(-).
- d. The monthly total vehicles miles traveled for emission point 008(-).
- e. The monthly hours of operation.

6. Specific Reporting Requirements:

Any exceedance over the emission limitations stated in this permit shall be reported to the
Division as specified in Section F.

7. Specific Control Equipment Operating Conditions:

None

8. Alternate Operating Scenarios:

None.

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:030, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

| <u>Description</u> | <u>Generally Applicable Regulation</u> |
|--|--|
| 1. 009(-) 12,000-Gallon No. 2 Fuel Oil Storage Vessel | 40 CFR 60 Subpart Kb |
| 2. 010(-) Oxygen Generation Plant | None |

SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS

1. As required by Section 1b of the material incorporated by reference in 401 KAR 52:030 Section 10, compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. Particulate, visible, and HCl, as measured by methods referenced in 401 KAR 50:015, Section 1, and D/F emissions, as measured by the method referenced in 40 CFR 63 Subpart RRR §63.1511 and §63.1512, shall not exceed the respective limitations specified herein.

SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place (as defined in this permit), and time of sampling or measurements;
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement.
2. Pursuant to Section 1b (IV)(1) of the materials incorporated by reference in 401 KAR 52:030 Section 10, records of all required monitoring data, support information (including calibrations, maintenance records, and original strip chart recordings), and reports required by the Division for Air Quality shall be retained by the permittee for a period of five years. In accordance with Section 1a (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10 and 401 KAR 52:030 Section 3(1)(f)1a, these records shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality.
3. In accordance with the requirements of 401KAR 52:030 Section 3(1)(f) the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
 - a. Access and copy any records required by this permit, enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation; and
 - b. Sample or monitor substances or parameters that affect compliance with the permit or any applicable requirements.Reasonable times include all hours of operation, normal office hours, and during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation.

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

6. The semi-annual reports are due prior to January 30th and July 30th of each year. Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3). All reports shall be certified by a responsible official pursuant to 401 KAR 52:030 Section 22. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
 - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
8. Pursuant to Section 1b V(3) and (4) of the material incorporated by reference in 401 KAR 52:030 Section 10, the owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7 above) to the Regional Office listed on the front of this permit within 30 days. Other deviations from permit requirements shall be included in the semiannual report required by Section F.5.
9. Pursuant to 401KAR 52:030, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Regional Office listed on the front of this permit in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period.
 - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the year covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.
 - f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

Division for Air Quality
Owensboro Regional Office
3032 Alvey Park Drive W.
Suite 700
Owensboro, KY 42303-2191

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

10. In accordance with 401KAR 52:030, Section 3(1)(d), the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee. If a KEIS emission report is not mailed to the permittee, comply with all other emission reporting requirements in this permit.
11. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by 401KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.
12. The cabinet may authorize the temporary use of an emission unit to replace a similar unit that is taken off-line for maintenance, if the following conditions are met:
 - a. The owner or operator shall submit to the cabinet, at least ten (10) days in advance of replacing a unit, the appropriate Forms DEP7007AI to DD that show:
 - i. The size and location of both the original and replacement units; and
 - ii. Any resulting change in emissions;
 - b. The PTE of the replacement unit shall not exceed that of the original unit by more than twenty-five (25) percent of a major source threshold, and the emissions from the unit shall not cause the source to exceed the emissions allowable under the permit;
 - c. The PTE of the replacement unit or the resulting PTE of the source shall not subject the source to a new applicable requirement;
 - d. The replacement unit shall comply with all applicable requirements; and
 - e. The source shall notify Regional office of all shutdowns and start-ups.
 - f. Within six (6) months after installing the replacement unit, the owner or operator shall:
 - i. Re-install the original unit and remove or dismantle the replacement unit; or
 - ii. Submit an application to permit the replacement unit as a permanent change.

SECTION G - GENERAL PROVISIONS

(a) General Compliance Requirements

1. The permittee shall comply with all conditions of this permit. A noncompliance shall be a violation of 401 KAR 52:030 Section 3(1)(b) and is also a violation of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act). Noncompliance with this permit is grounds for enforcement action including but not limited to the termination, revocation and reissuance, revision, or denial of a permit. [Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
2. Notification by the permittee of a planned change or anticipated noncompliance, or filing of a request for any permit revision, reissuance, or rescission shall not stay any permit condition. [Section 1a (5) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
3. Pursuant to Section 1a (2) of the materials incorporated by reference in 401 KAR 52:030 Section 10, 401 KAR 52:030 Section 7(3), and 401 KAR 50:060 Section 2, this permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:030 Section 18. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401KAR 52:030 Section 12;
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish upon request information requested by the division to determine compliance with the permit or to determine if cause exists for modifying, revoking and reissuing, or terminating the permit. [Sections 1a (6) and (7) of the materials incorporated by reference in 401 KAR 52:030 Section 10]

SECTION G - GENERAL PROVISIONS (CONTINUED)

5. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [Section 1a (11) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
6. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [Section 1a (3) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
7. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States. [Section 1a (12)(b) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
8. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038 Section 3(6). [Section 1a (9) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
9. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 52:030 Section 11(3)]
10. This permit does not convey property rights or exclusive privileges. [Section 1a (8) of the materials incorporated by reference in 401 KAR 52:030 Section 10]
11. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
12. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders.
14. Permit Shield – A permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of permit issuance. Compliance with the conditions of this permit shall be considered compliance with:
 - (a) Applicable requirements that are included and specifically identified in this permit; and
 - (b) Non-applicable requirements expressly identified in this permit.
15. Emission units described in this permit shall demonstrate compliance with applicable requirements if requested by the division. [401 KAR 52:030 Section 3(1)(c)]

SECTION G - GENERAL PROVISIONS (CONTINUED)

16. The authority to operate granted through this permit shall cease to apply if the source fails to submit additional information requested by the division after the completeness determination has been made on any application, by whatever deadline the division sets. [401 KAR 52:030 Section 8(2)]

(b) Permit Expiration and Reapplication Requirements

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 52:030 Section 12]

(c) Permit Revisions

1. Minor permit revision procedures specified in 401 KAR 52:030 Section 14 (3) may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:030 Section 14 (2).
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

(d) Construction, Start-Up, and Initial Compliance Demonstration Requirements

For emission points 001(EP01-A, B) and 002(EP02-A, B) or 003(EP03-A, B) or 004(EP04-A, B):

1. Construction of process and/or air pollution control equipment authorized by this permit shall be conducted and completed only in compliance with the conditions of this permit.
2. Within thirty (30) days following commencement of construction and within fifteen (15) days following start-up and attainment of the maximum production rate specified in the permit application, or within fifteen (15) days following the issuance date of this permit, whichever is later, the permittee shall furnish to the Regional Office listed on the front of this permit in writing, with a copy to the division's Frankfort Central Office, notification of the following:
 - a. The date when construction commenced.
 - b. The date of start-up of the affected facilities listed in this permit.
 - c. The date when the maximum production rate specified in the permit application was achieved.

SECTION G - GENERAL PROVISIONS (CONTINUED)

3. Affected facilities that are not completed in accordance with 401 KAR 52:030 Section 3(2) shall lose the construction and operation authorization granted in this permit. Accordingly:
 - a. Construction shall commence no later than 18 months after the date of issue of this permit;
 - b. Construction shall not begin and discontinue for 18 months or more unless the construction authorized is approved as a phased project;
 - c. Construction shall be completed within 18 months of the scheduled completion date; and
 - d. Each phase of a phased construction project shall commence construction within 18 months of the projected and approved commencement date.

Upon a written request, the division may extend these time periods if the source shows good cause.

4. Operation of the affected facilities for which construction is authorized by this permit shall not commence until compliance with the applicable standards specified herein has been demonstrated pursuant to 401 KAR 50:055, except as provided in Section I of this permit.
5. This permit shall allow time for the initial start-up, operation, and compliance demonstration of the affected facilities listed herein. However, within sixty (60) days after achieving the maximum production rate at which the affected facilities will be operated but not later than 180 days after initial start-up of such facilities, the permittee shall conduct a performance demonstration test on the affected facilities in accordance with 401 KAR 50:055, General compliance requirements. These performance tests must be conducted in accordance with General Provision G(d)6 of this permit and the permittee must also furnish a written report of the results of such performance tests to the division's Frankfort Central Office.
6. Pursuant to Section VII 2.(1) of the policy manual of the Division for Air Quality as referenced by 401 KAR 50:016, Section 1.(1), at least one month prior to the date of the required performance test, the permittee shall complete and return a Compliance Test Protocol (Form DEP 6027) to the division's Frankfort Central Office. Pursuant to 401 KAR 50:045, Section 5, the division shall be notified of the actual test date at least ten (10) days prior to the test.

(e) Acid Rain Program Requirements

If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(f) Emergency Provisions

1. Pursuant to 401 KAR 52:030 Section 23(1), an emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,
 - d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two (2) working days of the time when emission limitations were exceeded due to the emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken.
2. Notification of the division does not relieve the source of any other local, state or federal notification requirements.
3. Emergency conditions listed in General Provision G(f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement. [401 KAR 52:030 Section 23(3)]
4. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 52:030 Section 23(2)]

(g) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center
P.O. Box 3346
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information by the division or the U.S. EPA.

SECTION G - GENERAL PROVISIONS (CONTINUED)

(h) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

SECTION H - ALTERNATE OPERATING SCENARIOS

None.

SECTION I - COMPLIANCE SCHEDULE

None